

HOW LONG WAS KILLED

Joseph Rule, the Defendant, Tells His Story in Court.

AFRAID HE WOULD BE KILLED

He Says He Was Assailed by Long and His Son—His Wife's Life in Danger.

BUTTE, Dec. 28.—Considerable progress was made this afternoon in the preliminary examination of Joseph Rule, for the murder of Jacob S. Long. Most interesting was the testimony of the defendant, who for the first time told his story of the shooting.

Mrs. Henry Steinborn was first put on the stand and said:

"On the night of the difficulty between Rule and Long I was at home. In the house before the difficulty was Mrs. Rule and my husband. Mrs. Long and her son were on the porch. Afterwards I heard a scuffle on the porch and saw Mr. Steinborn's back through the window. I saw Mr. Rule after he came into my house, but not before that. His face was cut over his left eye and the blood was running down his face. My husband had hold of some person when the window was broken. I couldn't say who it was that my husband had hold of. It was not Mr. Rule. I didn't know Jacob S. Long and can't say whether he was the man or not. Mr. Rule had a small gun in his hand when he came into the house. His face was bloody. I heard the shots and thought there was an interval of a minute or two between them. I saw nothing of the shooting."

Miss Jennie Rule, 13 years old, was examined as to her ability to testify. She said she had been to church and Sunday school and that people who don't tell the truth go to the bad place. She said:

"I was not present at the time of the shooting. I left my mother about half way between Steinborn's house and our house. We were on the way home."

The prosecution objected to these questions. Attorney Haldorn said he desired to show by this witness that they met Mrs. Long and Eddie Long; that the Longs said they were going to kill Mrs. Rule; that the girl ran for her father who, supposing his wife's life was in danger, rushed to the rescue, and this was justification for the shooting. If he believed his wife was in danger of great bodily harm of her life, Rule had a legal right to go there prepared to defend his wife, and from the statement of his wife he had reason to believe his wife's life was in danger.

The court sustained the objection to this class of evidence.

Joseph Rule, the defendant, was then placed on the stand and said:

"I will be 52 years old next July. I was born in Cornwall. I have three living children and three dead. I am a miner. I have never in my life been arrested before on any charge whatever. I knew Jacob S. Long for two years. I was about 150 yards from his house to Steinborn's porch. I got to the west end of Steinborn's porch and stood on the ground there. Mrs. Long, Mr. Long, Eddie and Mr. Steinborn were on the porch. I asked Mr. Steinborn where my wife was. Mr. Steinborn said she was in the house. I made no obscene remark and applied no epithet to the Longs that night. Mr. Long said, 'What are you going to do here?' I said 'I am here to protect my wife.' Then Mr. Long and Eddie came running onto me. I made no movement toward them. I was in the same position. Mr. Long was a little taller than I am and about 20 pounds heavier. Mr. Long came up and Eddie followed him. Eddie jumped me behind and caught me in the throat. Mr. Long threw his arm around my neck and pulled my head right down so I was in a stooping position, and began thumping me in the face. He used his right hand in striking me. He hit me three or four times. The blood was running down and my left eye was closed up. Eddie was holding me right by the throat all the time. He held me about a minute. I shot while I was in a stooping position, because I thought my life was in danger. I endeavored to escape and get away before I shot, but I could not, because the two men had hold of me. I struggled a minute to escape from the two assailants before I shot. The pistol was in my right hand. I could not see where I was shooting. My head was covered up. I couldn't tell which shot struck him. After firing the first shot I thought they would let me go, but they didn't. I felt the life going out of my body from the choking. I shot again. They let go, and I fell over and off the porch on to the ground. I don't remember anything that was said except that Jacob said when he was around the neck, said he would kill me now. As I fell on the ground after the second shot, I fell on my right side. Eddie Long was still on top of me. I don't know how the third shot was fired. The gun went off the third time as I was on the ground. Eddie got off me and I went away. I didn't shoot at him. As I arose from the ground Jake Long again came towards me. I went backward. I went back three or four steps and said if he came one step farther toward me I would shoot him. I was afraid he was going to attack me again. Long then stopped and went back toward the east. I then went into the house. I stayed there waiting for my face to quit bleeding. Officer Waters came in and I gave him the gun and went to jail with him."

On cross-examination, the witness said that he went from the house to the scene of the shooting with the gun in his hand, and Attorney Campbell then said: "That's all."

That closed the case for the defendants. Argument was postponed until 11 o'clock to-morrow morning.

MR. AND MRS. DAVIS.

Gossips Tell Their Stories—Both Out on Bonds.

BUTTE, Dec. 28.—Mrs. James L. Davis, who created the sensation on Main street on Saturday afternoon by taking a few shots at her husband, was arraigned in police court this afternoon. Mrs. Davis was closely veiled, so that curious spectators did not have the privilege of seeing her face. She wore a fur-lined cloak, gloves and a modest hat.

Frank E. Corbett appeared as her counsel and said:

"We waive the reading of the complaint, waive the statutory time for plea, plead not guilty and waive preliminary examination. We desire that the court should fix the bond at as reasonable a figure as possible. We can give a reasonable bond, but cannot give an excessive one. The charge is assault with intent to kill, but I do not think the counsel for the prosecution will object to the bond being made small."

Attorney Haldorn said: "I am not exactly the prosecutor in this case, but I represent Mr. Davis and Mrs. St. Johns. I am requested by Mr. Davis to fix the bail at a reasonable amount and would suggest \$250 as ample. Mr. Davis is not in any danger of death, and there is no need of a big bond."

Assistant County Attorney Campbell said:

"The state is informed by doctors that,

so far as human foresight is concerned, there is no danger of serious results. I am perfectly willing to leave the matter entirely in the hands of the court. I merely ask the court to bear in mind that the only requisite of a bail bond is to secure the presence of the defendant."

This magnanimity on the part of the prosecution is believed to be an indication that the trouble is to be settled up, and examination being waived, it is believed that the case will be settled out of court long before it is brought up for trial in district court.

Judge McMurphy fixed the bond at \$300, a little larger sum than the prosecution said it would be satisfied with.

Mrs. Davis immediately put up a cash bond of \$300 and was released.

The Helena Independent of Sunday has this to say about the parties concerned in the scandal, as they are known in Helena:

"James L. Davis, the target in the Butte shooting affair, is well known in Helena. He was at one time in business on South Main street, with R. C. Wallace, was married to a very nice lady and has a son still living here, the offspring of this marriage. Davis was divorced from his first wife about 10 years ago, and she went to California where she married again and is doing well. Some years after the divorce Davis suddenly left Helena and was gone for some time. When he returned he again went into the grocery business, with Charles Jeffries. About eight months after his return a lady—the wife who did the shooting at Butte—came to Helena from Texas, where she had met Davis, and they were married soon after. Two children were the result of this marriage, one born in Helena, and the other in Butte, to which place the family moved two or three years ago. Some time before the birth of the second child Davis is said to have left Butte suddenly with a woman he had met and with whom he had become infatuated. This occurred last summer. Recently Davis and, so the story goes, the woman went back to Butte, and their presence there, and the alleged fact that they were living together no doubt caused the abandoned wife to make the attempt on his life. Davis' friends in Helena say he was a pleasant fellow and a first-class groceryman, affable and accommodating, and very popular with customers. They say his only fault was too much attention to too many women. He is a man of about 50 years now. No one knows who the second wife was before her marriage, as she came here a stranger, but all speak of her as a very nice woman."

Before leaving her jail apartments Mrs. Davis gave it out that she would remain and stand trial and fight the case to the usual bitter end. Whether she will keep her word can be better told when the case is called at the next term of court. She will not stay if the efforts of a number of persons who expect to be more or less interested in a possible trial are successful. One of the attorneys in the case said to-night that it would be folly to try the woman on the charge against her, as there could not be found a jury in all Montana that would convict her, although there is no question as to her guilt. The case was the subject of a discussion between the county attorney and the commissioners to-day, and Chairman McQueeney considered that it would be an outrage on justice if the woman is not punished. He said there was no question but that she came to Butte all the way from New York with the avowed and deliberate intention of killing Davis, and should be made to suffer. The county attorney expressed his opinion jealously and said he did not know whether the dignity of Montana could allow a woman to come that distance for a specific purpose and then make a failure of it. Therefore she should not escape.

The busy gossips, who have been working on the case diligently since the shooting, to-day sprang a new story and say that they have discovered that some of the parties to the shooting were at one time members of the Oneida free love community of New York. While his wife is out on a \$300 bail for attempting to murder, Davis' bond on the charge of adultery, preferred by his wife, is \$500. His case will not be heard for several weeks, or until he recovers from his wounds. He is still under guard at his room.

WARNING TO PARENTS.

Children Who Carelessly Play About the Cable Cars.

CENTREVILLE, Dec. 28.—The conductors and gripmen on the cable line which runs through this place complain of the carelessness of children in playing on and around the track when cars are approaching. They say that only good luck has prevented several accidents within the past few weeks. The children are in the habit of sliding down the Centerville hill on their sleds, and as there is a slight incline in the direction of the track they usually run very close to it. A STANFORD reporter was riding down the hill this afternoon on the dummy, he noticed a little child about 4 years old lying flat upon a sled, which was rapidly approaching the truck in front of the dummy. The gripman applied the brakes, but it was impossible to stop the car immediately owing to the slippery condition of the tracks. That the child's head would go under the wheels seemed inevitable, and as it was, such an accident was only averted by the merest chance. When the sled was within a foot of the front wheels it struck a rock and the child was thrown off, and its life was saved.

In Police Court.

BUTTE, Dec. 28.—In the police court to-day T. H. Tigerman was fined \$10 for assault, John Briscoe \$10 for the same, Martin Hopper \$5 and Mike Madden \$5 for disturbance, John Doe \$1 for drunkenness, A. B. Smith \$1 for the same, Joe Conley \$25 for vagrancy, but sentence was suspended for 24 hours during which time Conley is expected to get out of town. The case of Sam Morgan charged with cheating a country man out of \$20 at cards, was continued to Jan. 5. Morgan is still in jail, not being able to get bonds.

Malignant Mischief.

BUTTE, Dec. 28.—Harry Neal, who lives on the Big Hole river, near the mouth of French gulch, was arrested to-day on a charge of malicious mischief. The complaint was sworn out by John R. Reed, who claims that Neal tore down a fence around his land together with two pairs of bars and a gate. Apparently the case is one of a disputed land ownership.

What It Cost.

BUTTE, Dec. 28.—The cost of covering the roast heaps at Meaderville has now been entirely computed and comes to \$1,800. The sum of \$1,536.75 went for labor, about \$30 for powder and the balance is for the rental of the tools.

Prof. J. Jeffries, chiropodist and manicurist, Room 6, over red boot shoe store, 36 Main street, Butte.

When you want retail oil wagon, telephone 317, Butte Oil company.

Cut flowers, fresh every day. Telephone 333; 63 West Broadway.

Skating on ice smooth as glass at the Polo ice rink to-night.

Florist: natural and artificial flowers, 63 West Broadway.

There is no bit cigar to be compared with the Irwin.

Buy your imported cigars at Alex Cohen's.

WAR AGAINST CHINESE

In a Few More Days the Loathsome Mongolian Must Go.

IN FAVOR OF HONEST LABOR

Employers of Heathens Must Give Work to Whites or Blacks—Result of the Movement.

BUTTE, Dec. 28.—A general movement all along the line is to be made on the Chinese of Butte on Jan. 1. The skirmishing since the war was first declared has resulted in the advantage of the labor organizations that have been directing the war, but thus far there has been little active work. During the month of grace extended to the employers of Chinese laborers considerable has been accomplished. All the hotels in the city have now dispensed with Chinese labor, and all white restaurants have also dispensed with Chinese help. This is considered a great victory. It is also found that the business of the Chinese restaurants has fallen off. One, at least, has closed its doors and two other proprietors of Chinese restaurants have been notified by the owners of the buildings in which they must vacate on Jan. 1, as their room is wanted. White restaurants will be started in their places. So far the people of Butte have been allowed to employ Chinese help in private houses, including stores, saloons, offices, etc., but on Jan. 1 pressure will be brought to bear to cause this to be discontinued. All will be asked to discharge Chinese servants and help at once, and it is expected that the great majority of employers will without further notification let their Chinese help go. In fact many have already changed from Chinese to black or white help. Lists of all those who, after the beginning of the year, continue to employ Chinese help will be obtained and probably published. The long fight will probably be in the battle against the laundries. At present, although several white laundries have recently been opened, there are scarcely enough white laundries to do all the washing of Butte, but new ones are to be opened soon and in a few weeks there will be no excuse for any one to hire Chinese labor for laundry work or anything else. Now the Chinese collect and deliver laundry for the most part in the evenings after dark. But on and after Jan. 1, watch will be kept, it is understood, on the Chinese laundries, and it will be ascertained where they get their patronage.

Inasmuch as the Chinese can do little work except washing, cooking and waiting and general servant work, if they are knocked out of these employments, they will leave town of their own accord, for it is well-known that the Chinamen are the last on the face of the earth to remain in a place where they can't make money. The Chinese have a stronger foothold in Butte than they have anywhere else in Montana, but the laboring men are confident that their days in this city are numbered. Recently the Chinese were driven out of Billings and now scarcely a Mongolian can be found there. The Chinese have ceased coming into Butte, and it is said that a few have left town, although the number that have left has not been sufficiently great to make any perceptible difference in the number in Butte.

WALKERVILLE NOTES.

What is Transpiring in One of the Live Suburbs of Butte.

WALKERVILLE, Dec. 28.—Doc Campbell, superintendent of the Inver & Ravell stock mining company, in the Kootenai country, has been visiting S. W. Hall during the past week. He gives most encouraging reports concerning the mineral development in that country and affirms that next spring will see a lively boom there.

Mrs. J. C. Johnston returned Saturday from a trip to California.

Harry Bertrand of Springtown got too close to the heels of his mule one day last week and was lifted skyward several feet. He was unconscious several minutes and was taken into the house. The fact that he wore a heavy overcoat probably saved his life.

H. C. Blight returned yesterday from a 15 months' visit to his old home in Cornwall, England.

Papers were signed last week by which the titles to the Snow Flake and Snow Drift mines were quieted. Messrs. Rockford and Caplice having purchased the property from Frank Shovelin and Mrs. O'Donnell.

Black Prince lodge, Sons of St. George, have passed a vote of thanks to those who assisted in their respective capacities in making the recent entertainment of the lodge a success.

Ernest Terry, who has been visiting in Colorado, is expected home in a few days. R. C. Little of Choteau is visiting his father, Rev. J. H. Little.

John Williams, who runs a milk ranch at Blue Run, is dangerously ill from blood poisoning.

Editor Frank Harrison is spending the holidays in Helena.

Cruelty to Animals.

BUTTE, Dec. 28.—The report reached Constable Lytle to-day of a case of extreme cruelty to a cow near the Stevens mine. The cow belongs to John Kane, and the report was that the family had moved away last week and left the cow enclosed in a pen with nothing to eat and nothing to drink. It had been five days without either food or water, and a man living in the vicinity called the attention of Constable Lytle to the matter. The constable found the cow in the pen, evidently very weak. He took it to Stoners' stable and ordered it cared for. He then arrested Mr. Kane on a charge of cruelty to animals, serving out the warrant in Judge Eddy's court.

Whiskey a Specialty.

Two carloads of finest whiskey just received at McCormick & Hughes' from Louisville, Ky. All persons desiring the best of liquors of all sorts by demijohn or barrel for the holidays, can find no goods equal to those at McCormick & Hughes', south of the postoffice.

The Bozeman new academy is a first class boarding school. The rules are an excellent code of manners. Vocal and instrumental music, drawing and painting are taught without extra charges. For full particulars call to-day at room 12, Hoffman house, East Park street.

The silk pillow and pin cushion which was raffled at the Abbey saloon, No. 19 East Broadway, were won by tickets No. 17 and 23. Holders of these numbers will please call for the articles.

Furnished rooms, with or without board, at the Albion house corner Alaska and West Granite streets. Misses Rafferty.

Cut flowers: outside orders given prompt attention. A. W. Noble, 63 West Broadway.

Our school shoes are the finest to be had in Butte. Burgess & Co., 31 West Park.

Hot cocoa and chocolate at Alex Cohen's.

N. A. S. E.

Second Annual Ball

NATIONAL ASSOCIATION OF

Stationary Engineers,

BUTTE CITY, NO. 1.

GIVEN AT

Renshaw Hall,

—ON—

FRIDAY EVE'G, JAN. 1, '92

For the Benefit of

The Library Fund.

Committee of Arrangements—C. J. Stevenson, M. C. Matteson, William Darlington.

Floor Directors—Dan Ross, Joe Lorenze, E. H. McCall, R. F. Kelley, Robert Bolman, James Heinbach.

Reception Committee—Robert Turner, George Blinn, George Oswald, Thomas Ogilvie, L. T. Beaver, William S. Birkett, Frank Favens.

Music by Van Orten's Orchestra.

All Street Cars will run as late as 11 o'clock.

Admission, - - - - \$2

California Wine Co.

I. & H. SCHLESINGER.

JUST RECEIVED:

A Car Load of Matured

Wines and Brandies.

The above firm takes great pride in the amount of business transacted in the very short time since their opening, having taken their place in the front rank of wholesale and retail liquor dealers.

CONSIDER THESE PRICES:

CLARETS, 50c per gal. upward.

WHITE WINES, 75c per gal. upward.

SWEET WINES, \$1.25 per gal. upward.

Fine Old Brandies and Whiskies a Specialty.

Family trade solicited. Goods delivered in any quantity free of charge. Telephone No. 328.

116 West Park St., Butte, Mont.



OWSLEY BUILDING.

ENTRANCE ON PARK ST.

SHOW A MOST STYLISH LINE OF

FANS,

Fine Handkerchiefs,

Scarfs, Ties,

Gloves, Neckties,

ALL SUITABLE FOR PRESENTS.

Cloaks and Jackets,

STAPLE GOODS,

Dress Goods and Trimmings.

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This Is Your Best Chance!

Our Stock Includes Everything, From Rich Gifts to Inexpensive Remembrances.

Children's Solid Gold Rings from \$1 to \$5.

Child's Cups, from \$1.25 to \$20.

Child's Sets from \$1.75 to \$15.

Watches from \$4 to \$400.

Solid Gold Brooches from \$2.50 to \$20.

Diamond Pins from \$9 to \$500.

No Such Stock Was Ever Offered in the West at Such Surprisingly Low Prices.

Come and Enjoy the Things of Beauty!

Visitors are welcome. A Souvenir Booklet will be given the Ladies during Xmas week.

J. H. LEYSON,

Leading Jeweler and City Time Keeper.

221 Upper Main Street,

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